

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF TEXAS

3 ABILENE DIVISION

4 UNITED STATES OF AMERICA) CASE NO. 1:19-CR-00021-P-BU
5)
6 vs.) HELD IN FORT WORTH, TEXAS
7 CHRISTOPHER JAMES REGAN) FEBRUARY 20, 2020
8) 3:25 P.M.

9 VOLUME 1

10 TRANSCRIPT OF SENTENCING
11 BEFORE THE HONORABLE MARK T. PITTMAN
12 UNITED STATES DISTRICT COURT JUDGE

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1 offense. You told him at that time you understood the
2 elements of the offense, agreed to the accuracy of the factual
3 resume and admitted that you committed all essential elements
4 of the offense.

5 Accordingly I entered an order accepting your plea
6 and adjudging you guilty of the crimes alleged in the
7 superseding indictment against you. Your plea of guilty was
8 made pursuant to the plea agreement. I've had an opportunity
9 to review the plea agreement and the charges to which the
10 defendant has plead guilty and it's my determination that the
11 charge accurately reflects the seriousness of defendant's
12 actual offense behavior so that by accepting the plea
13 agreement I will not undermine the statutory purposes of
14 sentencing, all relevant conduct having been taken into
15 consideration in the calculation of your criminal defense
16 level.

17 Therefore, the plea agreement is accepted and
18 judgment and sentence imposed here today will be consistent
19 with it.

20 Mr. Blizzard, did you and your client receive in a
21 timely manner a copy of the presentence investigation report?

22 *MR. BLIZZARD:* Yes, sir.

23 *THE COURT:* And the addendum?

24 *MR. BLIZZARD:* Yes, sir.

25 *THE COURT:* Have you had an opportunity to carefully

1 review it with Mr. Regan?

2 *MR. BLIZZARD:* Yes, sir.

3 *THE COURT:* Did the Government timely receive those
4 documents?

5 *MR. REYNOLDS:* We did, Your Honor.

6 *THE COURT:* Mr. Blizzard, you've appeared in front
7 of me, you know how I like to do the objections.

8 *MR. BLIZZARD:* Yes, sir.

9 *THE COURT:* At this time I'll give you my tentative
10 rulings with regards to the numerous objections lodged by
11 Mr. James Regan. The defendant has objected to paragraphs 95,
12 104 and 113 of the presentence report. My initial tentative
13 ruling on those is they should be overruled, specifically
14 based on my interpretation of the Sentencing Guidelines of
15 2G1.1, Appendix Number 1.

16 You've also lodged an objection to paragraph 115 and
17 the use of enhancement under the guidelines of
18 misrepresentation of Mr. Regan's identity and his use of the
19 computer and the act of computer services. Again, my
20 understanding of the guidelines is that that objection should
21 be overruled.

22 Furthermore, an objection has been lodged to
23 paragraph 140 of the presentence report on the grounds that
24 your client has accepted responsibility for his actions, but
25 did not receive a reduction. My reading of the filing in this

1 case and the facts, as well as the case law, I tend to agree
2 that should be overruled.

3 Finally, you objected to paragraph 191. The
4 Government has agreed to that, and my tentative ruling is that
5 objection should be sustained.

6 So, at this time, Counsel, you may present any
7 objection or evidence that you'd like for me to consider in
8 regards to the tentative findings that I just stated.

9 *MR. BLIZZARD:* Yes, Your Honor. Thank you.

10 Your Honor, I will stand on my written objections as
11 to all previously asserted, except I would add the comment on
12 the misrepresentation, because I believe the Court has heard
13 some evidence on that as well already this afternoon. Just
14 for the purposes of this hearing, I would ask the Court to
15 take judicial notice of the hearing/sentencing involving Tanya
16 Regan.

17 *THE COURT:* I'm happy to do so.

18 *MR. BLIZZARD:* Thank you, Your Honor.

19 And the misrepresentation here, I believe the
20 Government adequately stated in their response to the
21 sentencing persuasive argument for a lesser sentence, the
22 Government's response to that was that Ms. Regan was never
23 under some delusion that Mr. Regan was an actual different
24 person. He never represented himself to be someone to her and
25 have her believe that she was that person.

1 He engaged -- they engaged frequently, as seen in
2 their writings and the evidence in the case and the chats,
3 they would be communicating about various fantasies, about
4 various role plays of who they were to each other and to their
5 children. And so, in that context, I don't believe that the
6 argument supports the -- the enhancement is not supported by
7 the evidence, because Mr. Regan did not use such a
8 misrepresentation to induce the children's acts in this case.

9 I know the Court heard some arguments that that was
10 used by Tanya Regan. She was shown some -- showed victim one
11 some suggestions and documentation, but there's no evidence
12 that suggests that Mr. Regan had knowledge of that.

13 That's all I have as far as my objections, Your
14 Honor.

15 **THE COURT:** Would the Government like to make any
16 response or would you like to rest on the tentative findings
17 that I've made and any objections that you stated in writing?
18 I'm happy to make my rulings at this time.

19 **MR. REYNOLDS:** We will rest, Your Honor, on our
20 written objections, Your Honor.

21 **THE COURT:** Okay. I'm prepared to make my final
22 rulings on the various objections at this time with the
23 proviso I will take judicial notice of the arguments and
24 evidence that's been presented in the previous hearing of
25 Ms. Regan.

1 At this time I'm going to make my final rulings with
2 regards to the objections lodged by Mr. Christopher James
3 Regan. With regard to defendant's objections to paragraphs
4 95, 104 and 113 of the presentence report in which the
5 defendant contends he did not distribute child pornography, it
6 was his wife, the Sentencing Guidelines define "distribution"
7 to include any act or possession with intent to distribute,
8 production, transmission, advertisement and transportation
9 related to the transfer of material involved in the sexual
10 exploitation of a minor. And that's at Section 2G1.1,
11 Appendix Note 1 on the Guidelines. Sending pornography to
12 one's wife satisfies the plain meaning of distribution;
13 therefore, that objection is overruled.

14 With regards to the defendant's objection to
15 paragraph 115. The defendant objects to paragraph 115
16 regarding the enhancement under 2G1(b)6 of the Guidelines for
17 misrepresentation of his identity and his use of a computer
18 and an interactive computer service. Defendant's intention,
19 as I understand it, is that misrepresentation of his identity
20 is only in the context of role playing with his wife, and she
21 understood that the defendant was playing the role and not an
22 online psychologist or doctor. This enhancement applies, "For
23 the purpose of producing sexually explicit material or for the
24 purpose of transmitting such material live, the offense
25 involved (A) a knowing misrepresentation of participant's

1 identity to persuade, induce, entice, coerce or facilitate the
2 travel of a minor to engage in sexually explicit conduct; or
3 (B) the use of a computer or an interactive computer service
4 to (1) persuade, induce, entice, coerce, facilitate the travel
5 of a minor to engage in sexually explicit conduct, or to
6 otherwise solicit participation by a minor in such conduct; or
7 (2) solicit participation with a minor in sexual explicit
8 conduct."

9 Misrepresentation of the party's identity must be,
10 "Made directly to the minor or to the person who exercises
11 custody, care or supervisory control of the minor." And
12 that's Section 2G2.1 of the Guidelines.

13 Additionally, if the enhancement is based on the use
14 of a computer, the computer must have been used to communicate
15 directly with a minor or the person that exercises custody,
16 care or supervisory control of the minor. Here Tanya Regan
17 undisputedly exercised custody, care, supervisory control over
18 victim two, and Christopher Regan misrepresented his identity
19 to her and used a computer and interactive computer service in
20 an attempt to persuade, entice and groom victim two into
21 sexual acts with him.

22 Christopher Regan pretended to be at least two
23 different doctors, a homemaker, various members of Tanya
24 Regan's family and a number of commercial pornography
25 producers. While pretending to be these individuals, he gave

1 Tanya specific instructions in an effort to groom and entice
2 victim two into sexual activity. All of these communications
3 were made with a computer and an interactive service.

4 The defendant claims this is all role play. While
5 being interviewed by Homeland Security Investigations in
6 October of 2018, Tanya Regan stated a "psychiatrist" advised
7 her to sexually abuse victim two, and she was given the
8 psychiatrist's contact information by Christopher Regan.

9 Furthermore, there are countless online chats and
10 e-mails between Tanya Regan and profiles controlled by
11 Christopher Regan and no evidence that while the
12 communications were taking place Tanya believed she was
13 communicating with Christopher Regan. Even if Tanya Regan was
14 aware that Christopher Regan was the person behind the various
15 accounts, the enhancement provided by Section 2G1(b)6 would
16 still apply because Christopher Regan misrepresented his
17 identity to victim two and used a computer and interactive
18 computer service to communicate with him.

19 As set forth in the presentence investigation
20 report, Christopher Regan used the e-mail address
21 stephanykendrickmd@gmail.com to pretend to be a doctor and
22 counsel Tanya Regan to sexually abuse victim two. During
23 Tanya Regan's exchanges with that address, Christopher Regan
24 sent messages addressed directly to victim 2. Therefore,
25 defendant's objection to paragraph 115 is hereby overruled.

1 With regards to defendant's objection to paragraph
2 140, the defendant objects to paragraph 140 in the presentence
3 investigation report on the grounds that he accepted
4 responsibility for his actions, including his previous efforts
5 to obstruct justice, but did not receive a reduction of said
6 sentence. The Sentencing Guidelines make it clear that in the
7 vast majority of cases obstruction of justice is incompatible
8 with acceptance of responsibility. However -- there may be,
9 however, extraordinary circumstances -- extraordinary cases in
10 which adjustments under Sections 3C1.1 and 3E1.1 may apply.
11 That is according to the Sentencing Guidelines Section 3E1.1.

12 Defendant objects that he did not receive a
13 reduction for acceptance of responsibility, but he provides no
14 justification for this being an extraordinary case that calls
15 for reduction despite his own obstruction of justice. Courts
16 have refused to award reductions for acceptance of
17 responsibility based on obstructive conduct that was much less
18 serious than Christopher Regan's. If you want an example of
19 that see *United States vs. Juarez-Duarte*, 513 F.3d 204, 211 of
20 the Fifth Circuit.

21 Less than 24 hours after law enforcement executed
22 a search warrant at his home and seized his cell phone,
23 Mr. Regan logged onto an online platform and remotely wiped
24 that phone in order to avoid -- to avoid law enforcement from
25 obtaining incriminating evidence on it. Defendant tried to

1 get his mother to destroy evidence for him, and he and his
2 wife engaged in a months-long effort to draft dozens of
3 letters falsely pretending that he was innocent and his wife
4 was responsible for all of the criminal conduct.

5 Defendant obstructed justice or tried to do so
6 repeatedly for months. He began to accept responsibility only
7 shortly before trial. Therefore, defendant's objection to
8 paragraph 140 is overruled.

9 Finally, defendant objects to paragraph 191, in that
10 it references that defendant sent images to family members.
11 The Government agrees with defendant's correction to paragraph
12 191, that objection is sustained. All right. Those are my
13 final rulings with regard to objections.

14 Defendant also filed a motion for downward departure
15 and downward variance. And I'd like to tell you I've had an
16 opportunity to reread that and review it, and I am inclined to
17 deny it, but I'm happy to hear otherwise. So, go ahead.

18 **MR. BLIZZARD:** Yes, Your Honor. Thank you.

19 Your Honor, this case is egregious, no doubt, as the
20 Court has correctly pointed out. We have attached to our
21 motion for downward departure a report of Dr. Dunham. And
22 Dr. Dunham, although he has some serious reservations about
23 his findings on Mr. Regan, in not doing the Static-99R, which
24 is the assessment used by prison facilities for the release of
25 sex offenders back into population to assess their risks, this

1 risk factor showed that Mr. Regan only had two points and that
2 he was of an average to moderate risk.

3 Now, granted, Dr. Dunham believed that Mr. Regan --
4 you know, this being the egregious case that it is, that
5 instrument may not adequately reflect that. However, Mr. --
6 or Dr. Dunham noted that Mr. Regan has the propensity for
7 successful completion of section offender treatment. That he
8 is a good candidate for rehabilitation given other dynamic
9 factors in his life; such as, stable employment, lack of
10 criminal history and no drug or alcohol abuse in the past.

11 And with those matters in mind, successful sex
12 offender treatment means rehabilitating Mr. Regan to a point
13 to where one day he can re-enter society and society can be
14 protected because of that successful completion of sex
15 offender treatment.

16 I have additional argument, Your Honor, as far as
17 the sentence itself. I don't know whether you want me to go
18 into that now or you would like to rule on this.

19 *THE COURT:* I'd like to rule on your motion. You
20 can save that for the allocution stage if you'd like.

21 *MR. BLIZZARD:* Yes, sir.

22 *THE COURT:* Would the Government like to make any
23 response in the motion for downward departure? I'll note that
24 I've given significant time to both the detailed sentencing
25 memorandum that was filed in this case as well as your

1 response to the motion. So, keep that in mind when you make
2 your decision.

3 *MR. REYNOLDS:* Thank you, Your Honor.

4 We would just note that given the nature and the
5 intensity and the duration of the abuse in this case, as well
6 as the fact that the offense level is so far above the
7 guidelines chart, a downward departure or a downward variance
8 would be highly inappropriate in this case.

9 *THE COURT:* All right. Thank you.

10 All right. I note for the reasons that have been
11 expressed in the various filings, also based on what I've
12 heard today, the motion for downward departure or variance is
13 going to be denied.

14 Christopher Regan has asked the Court to impose a
15 25-year sentence, which is 65 years lower than the sentence
16 recommended by the Guidelines and represents a downward
17 variance of 72.2%. Considering good-time credit this
18 recommendation could lead to Christopher Regan serving just
19 over 21 years in prison for this egregious offense.

20 The sentencing table and the Sentencing Guidelines
21 recommended a life sentence for Mr. Regan. In fact, it would
22 still recommend a life sentence for an offender whose conduct
23 was significantly less egregious than Mr. Regan's. A sentence
24 of just 25 years fails to adequately satisfy the retributive
25 goal of just punishment given the conduct in this case.

1 Furthermore, Christopher Regan identifies no comparable cases
2 to justify his request for such a massive downward variance
3 from the guideline range.

4 In fact, the only basis for a downward variance that
5 Mr. Regan identifies in his motion is the psychological
6 evaluation with Dr. Jason Dunham. This estimates -- this
7 evaluation estimates Mr. Regan's "Level of risk for sexual
8 re-offense is within the high range." The Court does not
9 believe that a psychologist's conclusion that Regan poses a
10 high risk for committing more sex crimes against children is a
11 valid ground for reducing his sentence.

12 The only way for the Court to support a downward
13 variance in this case is through an extraordinary
14 justification. The Court finds no such justification exists
15 in this case to support any downward variance, let alone three
16 quarters of a reduction in his sentence. Christopher Regan's
17 conduct was unspeakable, his victims were numerous, his case
18 involves virtually no mitigating factors and his own
19 psychological evaluation confirms that he poses a high risk
20 for sexual re-offending. Therefore, the Court hereby denies
21 Christopher Regan's motion for downward departure or variance.

22 With the Court's ruling on the motion for downward
23 departure and variance, as well as those that I've just stated
24 previously with regard to the defendant's objections, I will
25 adopt the final findings of fact and statements of fact made

1 in the presentence report, subject to and including a change
2 in qualifications made by the addendum to the presentence
3 report that I made in response to the objections to the
4 presentence report.

5 After having considered the conclusions expressed by
6 the probation officer in the presentence report as to the
7 appropriate guideline calculations and having considered the
8 objections and made my rulings thereto, I determine the
9 appropriate guideline calculations in this case are as
10 follows: Total offense level 43, criminal history category I,
11 imprisonment range for Count 1 of 360 months; imprisonment
12 range of 360 months for Count 2; Count 3, imprisonment range
13 of 360 months, for a total sentencing range of 1,080 months
14 total.

15 Supervised release range as to Count 1, five years
16 to life, Count 2, five years to life; Count 3, five years to
17 life, each term to run concurrently with the others. Possible
18 fine range of \$50,000 to \$250,000 plus cost of imprisonment
19 and supervision.

20 At this time I'd ask the United States Probation,
21 did I say everything correctly, as far as you're concerned?

22 **PROBATION OFFICER:** That's correct.

23 **THE COURT:** All right. Thank you.

24 Mr. Regan, I want to let you know that I received
25 from the Government two letters from the victims in this case.

1 And I want you to know that they will go into consideration
2 when I determine the appropriate sentencing. I have reviewed
3 those.

4 Mr. Blizzard, do you wish to make any remarks on
5 behalf of your client?

6 *MR. BLIZZARD:* Yes, sir.

7 *THE COURT:* Go ahead.

8 *MR. BLIZZARD:* Your Honor, I think that our
9 principal argument I would make here to the Court is that this
10 Court should vary from the guideline sentence of 90 years, and
11 the basis for that is to impose an equitable sentence. As the
12 Court knows, this Court assessed the sentence of, technically,
13 50 years on Tanya Regan, and Ms. Regan is the primary culprit
14 in this encounter.

15 *THE COURT:* So, the thought is that I reduce
16 sentencing because he is blaming it on his wife; is that what
17 you're telling me?

18 *MR. BLIZZARD:* I'm sorry, Judge, I couldn't hear
19 you.

20 *THE COURT:* So, you're trying to tell me that
21 Mr. Regan deserves a significant variance from his wife of 50
22 years; is that what you're arguing?

23 *MR. BLIZZARD:* It is somewhat, yes, sir.

24 *THE COURT:* All right. Go ahead.

25 *MR. BLIZZARD:* And the idea here, Your Honor, if I

1 may, is to change the narrative here of what's been presented.
2 The narrative that's been presented here is that this is all
3 at the behest of Mr. Regan and this is all his doing, but I
4 don't believe that the evidence bears out on that. And I
5 believe that the Government's argument in opposition to
6 reduction for Tanya Regan supports the fact that she is
7 equally culpable.

8 And the analogy that I would draw the Court to even
9 hear is in a bank robbery case. You may have someone who
10 plans the bank robbery and says, Hey, go in there and take
11 this machine gun and I want to you kill everybody in the bank.
12 And then you have somebody who goes into the bank, not the
13 planner, and that person goes in and kills everyone in the
14 bank. And so, the question, I think, for the Court to
15 consider in this matter is who was the more culpable person of
16 those two? Surely they bear significant responsibility, but
17 it is a far more dangerous and serious offender, in my
18 opinion, that would be the person that went in and pulled the
19 trigger.

20 And here, in this case, Mr. Regan --

21 *THE COURT:* I don't know how you can argue who was
22 more culpable, the planner or the one who pulled the trigger.

23 *MR. BLIZZARD:* I understand, Your Honor. I
24 certainly see that position. The analogy that I'm trying to
25 draw to in this case is that of the vast number of images and

1 videos that depict the abuse in this case only one features
2 Mr. Regan. There is many hours of videos that feature
3 Ms. Regan abusing victims in this case. And it's because, for
4 the most part, Mr. Regan did not participate in the abuse
5 itself, he watched and/or recorded it. Certainly still a
6 crime, and certainly still a very serious problem.

7 But the kind of position I'm putting here to the
8 Court is, again, as to rehabilitation, I believe Mr. Regan is
9 a person that is not beyond that scope, he is not beyond
10 rehabilitation. And, you know, the Court will note as well,
11 as was mentioned in Tanya Regan's sentencing, Mr. Regan
12 suffered abuse as a child as well. And so, what happened
13 here, you put two abuse victims who got together and decided
14 it was normal and that's what they wanted to do.

15 Certainly, it's not good. Certainly, it's very
16 egregious, but the position that I have, Your Honor, is that
17 it would be inequitable in this scenario to sentence Tanya
18 Regan out of a sense of plea bargains because both defendants
19 effectively would have received life sentences had they gone
20 to trial and were convicted, charged with very similar levels
21 of offenses.

22 But Ms. Regan, through, you know, being the first to
23 the table, being the first to talk to the U.S. Attorney's
24 office gets to plead to two offenses and Mr. Regan gets to
25 plead to three. And granted, there's some other culpability

1 there in terms of obstruction of justice, but, again, both
2 people participated in the obstruction of justice.

3 And so, it's our position, Your Honor, that the
4 equitable sentence in this case would be to sentence Mr. Regan
5 to a level similar to that of Ms. Regan, if the Court is not
6 inclined to grant the motion for downward departure.

7 You know, I would, again, draw the Court back to the
8 statement Ms. Howey made in response to Ms. Regan's argument
9 in sentencing, in that there is no evidence that Ms. Regan was
10 coerced, forced or threatened in any way and that she was
11 never coerced or manipulated in any way, and that's because
12 that's not the case. Mr. Regan is not a mastermind who
13 subjected his wife to this isolated society, as was portrayed
14 in her sentencing. It's two people who had similar interest
15 to do similar things.

16 And so, the -- I think that there's a saying about
17 that, deep calls to the deep, you know. And the deep desires
18 of the person call out to and it's not hard to find the deep
19 desires of another person of similar interests.

20 And, you know, another thing Ms. Howey mentioned in
21 her sentencing comments towards Ms. Regan was that, you know,
22 Ms. Regan engaged in beating, tormenting and tying up the
23 victims. And Mr. Regan has also admitted to that, but, again,
24 on a more limited basis than the extent that Ms. Regan has.

25 *THE COURT:* There's crimes that have been sentenced

1 out of this district, including the judge upstairs on the
2 fourth floor where he sentenced an individual to 50 years in
3 prison for just having one enticement and one incident, and
4 that was upheld by the Fifth Circuit.

5 *MR. BLIZZARD:* I understand, Your Honor. I
6 understand it's within your discretion.

7 *THE COURT:* That was determined to be appropriately
8 reasonable.

9 *MR. BLIZZARD:* Yes, sir. And I certainly agree that
10 you are within your discretion to impose whatever sentence you
11 believe is reasonable. So, we're not arguing that the
12 sentence would be unreasonable, simply trying to draw the
13 Court's attention to the facts of this specific case.

14 *THE COURT:* I understand. And I did spend the time
15 in this case, including all the filings.

16 *MR. BLIZZARD:* Yes, sir, I understand.

17 Judge, the last thing I would leave you with, in
18 terms of argument, is in reflecting on victim one's statement
19 that was given to the Court, the thing that stands out to me
20 is that this is a statement vastly about Tanya. This is a
21 statement that references the terrible things done by both
22 defendants, but mostly about her. And she is named first and
23 she is named with specific examples of the terrible things
24 that she represented to him and said to him and did to him.
25 And so, again, that just goes to our argument that we just

1 don't want the Court to have the impression that Ms. Regan --
2 that Mr. Regan is this mastermind person who controlled her,
3 manipulated her, forced her to do these things, and we ask the
4 Court for an equitable sentence in this case.

5 *THE COURT:* Thank you, counsel. I'll keep that in
6 mind when I make the proper sentence in this case.

7 Mr. Regan, now is your opportunity. Do you wish to
8 speak on your own behalf? Is there any information for me
9 that I can consider, in addition to what your attorney has
10 just told me --

11 *THE DEFENDANT:* Yes, sir.

12 *THE COURT:* -- in mitigation of your sentence? Talk
13 to me. You have to talk into the microphone.

14 *THE DEFENDANT:* I'm sorry, sir.

15 I prepared a statement, because I have some memory
16 issues. So, I have it so I can read it.

17 *THE COURT:* Let's make it easier for you. Move over
18 to the podium and use this microphone.

19 *THE DEFENDANT:* Yes, sir, I'm sorry.

20 *THE COURT:* Go ahead.

21 *THE DEFENDANT:* I'd like to thank the Court for
22 giving me the opportunity to speak on my behalf today.

23 We are here today because of me and my actions. I
24 take full responsibility for the crimes for which I have plead
25 guilty to.

1 The one thing that I wanted to be in this world was
2 a great dad. I screwed that up and forever changed the lives
3 of my three kids, my family, my wife, her family and all the
4 people that have been involved in this case. Growing up as a
5 kid all I ever wanted to be was a great dad.

6 For the first few years I accomplished that. I
7 coached little league baseball, football and was even a
8 basketball commissioner. I lived and breathed being a good
9 dad. Ultimately, I blew it. After a few years I allowed evil
10 to enter be my life and my family's life.

11 We teach our kids about stranger danger, to stay
12 with us in public places, because there are bad people out
13 there in this world. For my kids the evil and the bad people
14 came from within our own family. This place that infected my
15 family was directed by myself and Tanya.

16 While on the outside our family looked and acted
17 normal as any other family, but within things happened that
18 should have never taken place. As a family we had great
19 times. Sadly, all those are pushed to the back of the mind
20 because of the horrific nature of this evil. With each of my
21 kids I can recount great memories that I dearly cherish.

22 My oldest son has always been more than a son to me.
23 We traveled the country together playing sports, working on
24 cars, hunting, fishing and just spending time together -- I'm
25 sorry, I lost my place. My middle child, which has always

1 been the wild and crazy one, he, even at his age, was always
2 the first one to volunteer to help someone out. The great
3 times we had playing video games, hunting, fishing or just
4 hanging out together. And my baby girl, never in a million
5 years did I anticipate parties, watch cartoons for hours or
6 just hang out together.

7 Your Honor, these are things that I will cherish for
8 the rest of my life. I loved all three of my kids, but
9 realize that I made a horrific mistake. What I want more than
10 anything is treatment and help so one day, hopefully, I will
11 be able to make amends with my kids and with my family.
12 Hopefully my kids will allow me to earn that opportunity in
13 the future.

14 What is not shown on any piece of paper in this
15 court is the love for my kids and our family. The real me is
16 not shown in any form in this case. I am asking the Court for
17 a second chance one day to be the man that my mom raised, to
18 be the dad that I've always wanted to be and have a second
19 chance without bars and handcuffs and to be a functioning
20 member of society.

21 Thank you.

22 *THE COURT:* Thank you, sir.

23 *THE DEFENDANT:* Yes, sir.

24 *THE COURT:* I hope that you're sincere when you're
25 saying that.

1 *THE DEFENDANT:* Yes, sir.

2 *THE COURT:* Does the Government wish to be heard?

3 *MR. REYNOLDS:* Briefly, Your Honor.

4 *THE COURT:* I will note that not only have I
5 considered the victim impact statements, but I also, as I said
6 with Ms. Regan, I have spent hours on this case and I've spent
7 a lot of time with the sentencing memorandum that the
8 Government has submitted. So keep that in mind when you make
9 your statement. Go ahead.

10 *MR. REYNOLDS:* Your Honor, I'd just like to note
11 that everything that Christopher Regan and his wife did to his
12 children was his idea. It was done at his insistence, at his
13 direction and was done for his sexual amusement. He is the
14 far more culpable party of these two.

15 Your Honor, this defendant is a danger to community.
16 These victims have suffered tremendously. The maximum
17 sentence is absolutely appropriate in this case.

18 *THE COURT:* Thank you, counsel.

19 I will now state the sentence determined after my
20 consideration of all the factors set forth in Title 18 United
21 States Code Section 3553(a), including especially the Advisory
22 Sentencing Guideline by the U.S. Sentencing Commission and the
23 conduct committed by the defendant in his factual resume. The
24 attorneys will have a final chance to make any legal
25 objections they have before the sentence is finally imposed.

1 It is the judgment of the Court that the defendant,
2 Christopher James Regan, in Cause Number 1:19-CR-21-P, is
3 hereby committed to the custody of the Federal Bureau of
4 Prisons for a period of 360 months as to Count 1, 360 months
5 as to Count 2, 360 months as to Count 3, with each sentence to
6 run consecutive to the others, for a total sentence of 1,080
7 months. This sentence shall run consecutively to any future
8 sentence that may be imposed in Case Number B-17-0679-SB in
9 119th District Court in Tom Green County, Texas, which is
10 unrelated to the incident in the case.

11 The Court is not ordering a fine or cost of
12 incarceration, because the defendant does not have the
13 financial resources or future earning capacity to pay for the
14 fine or cost of incarceration. Although restitution is
15 mandatory it is not ordered, because there is no restitution
16 sought by the identified victims of these offenses.

17 It is further ordered that defendant shall pay an
18 assessment pursuant to the Justice of Victims Trafficking
19 assessment at 18 United States Code, Section 3014 of the
20 United States in the amount of \$5,000 for each count of
21 conviction, that's \$15,000 total, payable to the United States
22 District Clerk, P.O. Box 1218 in Abilene, Texas, 79604. If
23 upon commencement of the term of supervised release any party
24 assessment imposed pursuant to 18 U.S.C. Section 3014 remains
25 unpaid, the defendant shall make payments on such unpaid

1 balance beginning 60 days after release from custody at the
2 rate of at least \$150 a month until the fine is paid in full.

3 The Court further recommends to the United States
4 Bureau of Prisons that the defendant participate in Inmate
5 Financial Responsibility Program while in custody.

6 Pursuant to 18 United States Code Section 2253(a) and
7 Federal Rule of Criminal Procedure 32.2(b)(4)(B), it is hereby
8 ordered that defendant's interest in the following property is
9 hereby condemned to the United States of America: Moto
10 cellular phone, serial number ZY2257JXTN; LG cellular
11 telephone, serial number 810CYQX0417260; a silver Toshiba
12 laptop, serial number 5E078456S; a Dell laptop, serial number
13 6C4BBL2; a Dell laptop, serial number CJSPPQ2; a HP laptop,
14 serial number 5CD5386N6B; a Samsung tablet, serial number --
15 IMEI number 352087093301183; a Transcend micro SD card, 32
16 gigabytes; a Samsung Note 9 cellular telephone, IMEI number
17 356569090673413; a Samsung Note 8 cellular telephone, IMEI
18 number 351823090767229; a Samsung cellular telephone, IMEI
19 number 353425083599789; a purple HP laptop, serial number
20 unknown; a blue HP laptop, serial number 5CD546218; four
21 miscellaneous flash drives including SanDisk, Ryder and Lexar
22 brands; nine miscellaneous SanDisk memory cards; five Brady
23 thumb drives; a pink Chrome tablet, 4 gigabyte, serial number
24 RK2928sdk; an Apple iPad, serial number F9FNX04MFPFL; an Apple
25 iPad, serial number F0FP60W4FPFL; a Samsung tablet, serial

1 number R52GCOJY6RW; a Samsung tablet, serial number unknown; a
2 silver Samsung Galaxy S4, serial number unknown; a Samsung
3 Galaxy Prevail, serial number unknown; a Alcatel cellular
4 telephone, serial number unknown; a Motorola cellular
5 telephone, serial number unknown and miscellaneous DVDs and
6 CDs containing child pornography.

7 It is further ordered that upon release from
8 imprisonment the defendant shall be placed on supervised
9 release for a term of life for Count 1, life for Count 2 and
10 life for Count 3, with each term imposed to run concurrent
11 with the others.

12 Furthermore, while on supervised release the
13 defendant shall comply with the standard conditions
14 recommended by the U.S. Sentencing Commission at Section
15 5E1.3(c) of the Guidelines, shall comply with other conditions
16 as set forth in the said order that was provided to the
17 defendant today prior to going on the record. That order
18 setting additional terms of supervised release has now been
19 returned to the Court. I'll note for the record it's been
20 signed by Mr. Regan. And with Mr. Regan's signature on the
21 additional terms of supervised release he's acknowledged his
22 receipt of those additional conditions, his understanding of
23 them and his waiver of having them read in open court and he
24 agrees to be bound by them subject to revocation of any
25 violation of them.

1 It is further ordered that defendant shall pay a
2 special assessment in the amount of \$100 per count, for a
3 total of \$300. \$100 for each count for a total of \$300.

4 In determining the sentence the Court considered the
5 Advisory Guidelines as well as the other statutory directives
6 listed in 18 U.S.C. 3553(a). A sentence of 1,080 months is
7 sufficient but not greater than necessary to comply with the
8 purposes set forth in paragraph two of Section 3553(a),
9 reflects the seriousness of and provides a just punishment for
10 the offense, promotes respect for the law, affords an adequate
11 deterrence to criminal conduct and protects the public from
12 further crimes of this defendant.

13 In reaching the sentence today, as I said earlier, I
14 spent several hours considering Sentencing Guidelines and the
15 case law, and the requirements Congress imposed upon me that I
16 considered as a sentence in accordance with 18 U.S.C. 3553(a).
17 Crimes for which Mr. Regan has pled guilty to which he is
18 being sentenced to are ghastly, disgusting and deplorable.
19 It's pained me to the depths of my being to be the judge of
20 this case. The horrible criminal acts endured in the lengthy
21 systematic included sexual, verbal, physical and mental abuse
22 endured by the minor victims in this case, three of the
23 defendant's own children and his brother, are so unspeakable I
24 will not give them the dignity to describe in open court.

25 In considering the nature and the circumstances of

1 the offense and the history and characteristics of this
2 defendant, it is my determination that a sentence of 90 years
3 is sufficient but not greater than necessary when one
4 considers the abominable nature of the defendant's crimes.

5 Indeed, as I said earlier, in over 20 years as a
6 attorney, and six years as a judge, this is possibly the worst
7 case of sexual abuse and exploitation of minors that I've ever
8 seen. And if I stay on this bench long enough to look like
9 these guys with the white hair, I hope I never see another.

10 A 90-year sentence certainly reflects the
11 seriousness of the offense and provides a just punishment of
12 the offense, and hopefully promotes respect for the law,
13 although I am fearful Mr. Regan may never learn respect for
14 the law. A sentence of 90 years provides an adequate
15 deterrence to criminal conduct and protect the public from
16 further crimes of this defendant. Indeed, after reviewing the
17 record in this case, I had no doubt in my mind that if you are
18 ever released from incarceration you will likely always be a
19 threat to the public.

20 And finally, let's hope that the sentence will
21 provide the defendant with the direction and treatment in the
22 most efficient manner, and I hope you get some help. You have
23 some time to consider what you did, Mr. Regan, and the effect
24 of your actions on yourself, your children, your brother, your
25 wife and others at large, I hope you use it wisely.

1 If I am later determined to be wrong in my
2 calculations for Mr. Regan under the Sentencing Guidelines and
3 the sentence imposed here today of 90 years would still be
4 wholly appropriate after my consideration of the factors set
5 forth in Section 3553, and I would still impose the same
6 sentence.

7 Indeed, I will argue that this case is the paradigm
8 case requiring the imposition of the statutory maximum
9 sentence allowed by Congress for the crimes Mr. Regan has
10 plead guilty to. Somebody might argue that sentencing you to
11 90 years you're getting a break, and I should have protected
12 the plea agreement. And like I said to your wife, that may
13 not be wrong.

14 I have now stated the sentence. Is there any reason
15 why it should not be imposed as stated?

16 *MR. BLIZZARD:* Judge, for the purpose of appeal, the
17 defendant objects to the sentence as procedurally and
18 substantively unreasonable and in violation of the Eighth
19 Amendment of the United States.

20 *THE COURT:* That objection is noted and is
21 overruled.

22 Anything from the Government?

23 *MR. REYNOLDS:* No, Your Honor.

24 *THE COURT:* Sentence will be imposed as stated.

25 *MR. BLIZZARD:* Judge, one other thing I forgot to

1 mention earlier, my client would like the Court's
2 recommendation for placement at Seagoville.

3 *THE COURT:* That request is denied.

4 Does the Government have a motion?

5 *MR. REYNOLDS:* Yes, Your Honor. At this time we'd
6 ask the Court to dismiss the original indictment in this case,
7 as well as Counts 4 through 11, 13 and 14.

8 *THE COURT:* Government's motion is granted.

9 I need to inform you of your appellate rights,
10 Mr. Regan. You do have a right to appeal the sentence that I
11 just imposed. If you decide to appeal you have the right to
12 apply for leave in forma pauperis if you're unable to pay for
13 the cost of an appeal.

14 Another document that you signed that was handed to
15 me this morning, that you received prior to going on the
16 record, it's called Notice of Right to Appeal Sentence, which
17 you've signed, as I've noted, it's been returned to me. You
18 understand this is the Court's notice to you that you have the
19 right to appeal, it is not your notice of your appeal. If you
20 do decide to appeal you must do so within 14 days, it must be
21 in writing and filed with the Court. Your attorney can assist
22 you with that if you ask him to.

23 Do you have any questions?

24 *THE DEFENDANT:* No, Your Honor.

25 *THE COURT:* All right. At this time you're remanded

1 to the custody of the marshals.

2 (Proceedings Adjourned)

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4
5 REPORTER'S CERTIFICATE

6 I, Monica Willenburg Guzman, CSR, RPR, certify
7 that the foregoing is a true and correct transcript from
8 the record of proceedings in the foregoing entitled matter.

9 I further certify that the transcript fees format
10 comply with those prescribed by the Court and the Judicial
11 Conference of the United States.

12 Signed this 8th day of April, 2020.

13
14 /s/Monica Guzman
15 Monica Willenburg Guzman, CSR, RPR
16 Texas CSR No. 3386
17 Official Court Reporter
The Northern District of Texas
Fort Worth Division

18 CSR Expires: 7/31/2021

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